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March 11, 2004

VIA FACSIMILE: 571-273-0986

Examiner Felicia Allen  
Legal Instruments Examiner  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Re: U.S.A. Patent Application Serial No. 09/990,318  
Filing Date: November 23, 2001  
Inventor: William A. Fuglevand et al.  
"Fuel Cell Power Systems and Methods of  
Controlling a Fuel Cell Power System"  
Our File No.: AVI-059*

Dear Examiner Allen:

In accordance with our telephone conference of March 11, 2004, kindly accept and enter of record the corrected Responsive Amendment earlier submitted to the U.S. Patent and Trademark Office and which is referenced in the Notice of Non-Compliant Amendment, a copy of which is attached for your convenient reference.

Kindly contact the undersigned in the event that further actions are required with respect to this Responsive Amendment.

Very truly yours,

A handwritten signature in black ink, appearing to read "George G. Grigel".

GGG/tk  
Enclosures

S:\AVI\059\006.doc



UNITED STATES PATENT AND TRADEMARK OFFICE

n/p

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,318	11/23/2001	William A. Fuglevand	AV1-059	2777
21567	7590	03/03/2004	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			KALAFUT, STEPHEN J	
			ART UNIT	PAPER NUMBER
			1745	

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 P.O. BOX 1450  
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Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 2-17-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_
- 3. Amendments to the drawings: \_\_\_\_\_
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: claim 59 should read currently amended

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opls/nrcgnotice/officelife.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Kellenell Libb  
 Legal Instruments Examiner (LIE)

571272 0986  
 Telephone No.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Serial No. ....09/990,318  
Filing Date .....November 23, 2001  
Inventor .....William A. Fuglevand et al.  
Assignee .....Avista Laboratories, Inc.  
Group Art Unit .....1745  
Examiner .....Stephen J. Kalafut  
Attorney's Docket No. .....AV1-059  
Title: Fuel Cell Power Systems and Methods of Controlling a Fuel Cell Power System

**REQUEST FOR EXTENSION OF TIME**

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

From: George G. Grigel (Tel. 509-624-4276; Fax 509-838-3424)  
Wells St. John P.S.  
601 W. First Avenue, Suite 1300  
Spokane, WA 99201-3828

Sir:

Applicant petitions the Assistant Commissioner for Patents to extend the time for response to the Office Action dated October 17, 2003 for 2 months from January 17, 2004 to March 17, 2004.

If an additional extension of time is required, please consider this a petition therefore.

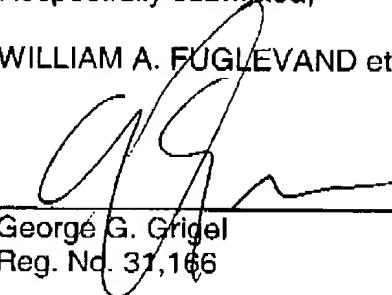
Charge our Deposit Account No. 23-0925 for a single month extension in view of an earlier one month extension paid by check, and which was enclosed with the earlier submitted amendment.

Respectfully submitted,

WILLIAM A. FUGLEVAND et al.

Date: Mar 11, 04

By:

  
George G. Grigel  
Reg. No. 31,186